

Moved by Burgoyne

Seconded by Barrett

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO H.B. NO. 535

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 10, delete "or civil" and insert: "proceeding or civil"; and also in line 10, delete "~~state agency,~~" and insert: "state agency,"; in line 11, delete "governmental entity" and insert: "a public health district established pursuant to sections 39-408 and 39-409, Idaho Code, or a political subdivision"; in line 12, delete "or another governmental entity" and insert: "the state agency, public health district, political subdivision or"; and also in line 12, following "court" insert: ", as the case may be,"; in line 13, following "and" insert: "other"; and also in line 13, delete "the" and insert: "the"; in line 14, delete "court" and insert: "court it"; also in line 14, following "that the" insert: "nonprevailing"; and also in line 14, delete "against whom the judgment is rendered"; and insert: "against whom the judgment is rendered"; in line 15, following "law" insert: ", provided however, that this section shall not apply to allow an award of attorney's fees against a defendant in a regulatory enforcement action or proceeding affecting a professional license or otherwise seeking civil fines or penalties". Also on page 1, delete lines 34 through 36, and insert:

"(4) ~~For the purposes of this section:~~ In any civil judicial proceeding involving as adverse parties a governmental entity and another governmental entity, the court shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses. For purposes of this subsection (4), the term "governmental entity" means any state agency, city, county or other taxing district.

(5) For the purposes of this section:"; and in line 37, delete "(b)" and insert: "(a)"; in line 39, delete "(b)" and insert: "(b)"; and in line 41, delete "(5)" and insert: "(5)".

CORRECTION TO TITLE

On page 1, in line 4, following "AWARDED" insert: "AND TO REVISE DEFINITIONS".